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VIATOR, INC.
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 ROSALINA C. RELENTE AND TRAVIS R.
ANDERSON, individually and on behalf of all
14 others similarly situated,

15 Plaintiffs,

16 v.

17 VIATOR, INC., a corporation, and DOES 1-100,
18 inclusive,

19 Defendants.

Case No. CV 12-5868 JSW

CLASS ACTION

**STIPULATION AND
[PROPOSED] ORDER
REGARDING CONTINUING
HEARING AND SETTING
BRIEFING SCHEDULE FOR
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Hon. Jeffrey S. White

1 Pursuant to Civil Local Rules 6-2 and 7-12 and the Court's Civil Standing Orders ¶ 4, the
2 parties, Plaintiffs Rosalina Relente and Travis Anderson ("Plaintiffs") and Defendant Viator, Inc.
3 ("Defendant"), by and through their undersigned counsel of record, submit the following
4 stipulation and proposed order:

5 WHEREAS, the last day for a hearing on Plaintiffs' motion for class certification is
6 currently March 14, 2014, and the last day for Plaintiffs to file their motion for class certification
7 is currently February 7, 2014;

8 WHEREAS, on December 9, 2013, the parties participated in mediation before Mediator
9 Susan Haldeman and agreed to continue their settlement negotiations;

10 WHEREAS, Defendant is in the process of collecting and producing additional
11 information to help facilitate the parties' negotiations;

12 WHEREAS, in light of the ongoing settlement negotiations, the parties have agreed to
13 continue the last day for a hearing on Plaintiffs' motion for class certification to June 20, 2014;

14 WHEREAS, as contemplated by the Commentary on Civil Local Rule 7-2, given the
15 complex nature of Plaintiffs' motion for class certification, the parties have agreed to an extended
16 briefing schedule, with Plaintiffs' motion to be filed on or before April 11, 2014, Defendant's
17 opposition to be filed on or before May 16, 2014, and Plaintiffs' reply to be filed on or before
18 June 6, 2014; and

19 WHEREAS, the parties previously stipulated to extend the time within which Defendant
20 was to answer or otherwise respond to the Complaint (Dkt. 5); and pursuant to the parties'
21 stipulation, the Court continued the deadline for Defendant to file its reply in support of its
22 motion to dismiss the Complaint (Dkt. 15).

1 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties that the
2 last day for a hearing on Plaintiffs' motion for class certification, currently March 14, 2014, shall
3 be continued to June 20, 2014, with Plaintiffs' motion to be filed on or before April 11, 2014,
4 Defendant's opposition to be filed on or before May 16, 2014, and Plaintiffs' reply to be filed on
5 or before June 6, 2014.

6
7 Dated: January 16, 2012

WESLEY E. OVERSON
REBEKAH KAUFMAN
COLETTE M. LEBON
MORRISON & FOERSTER LLP

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10 By: /s/ Rebekah Kaufman
11 Rebekah Kaufman

12 Attorneys for Defendant
VIATOR, INC.

13 JAMES M. SITKIN, ESQ.
14 LAW OFFICES OF JAMES M. SITKIN

15 MICHAEL F. RAM
16 KARL OLSON
17 RAM, OLSON, CEREGHINO &
KOPCZYNSKI

18 By: /s/ James M. Sitkin
19 James M. Sitkin

20 Attorneys for Plaintiffs
21 ROSALINA C. RELENTE, TRAVIS R.
22 ANDERSON and all others similarly
23 situated
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SIGNATURE ATTESTATION

I, Rebekah Kaufman, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Briefing Schedule for Defendant Viator, Inc.'s Motion to Dismiss Complaint. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that James M. Sitkin has concurred in this filing.

/s/ Rebekah Kaufman

Rebekah Kaufman

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS THEREFORE ORDERED that last day for a hearing on Plaintiffs' motion for class certification, currently March 14, 2014, shall be continued to ~~June 20,~~ July 11, 2014, with Plaintiffs' motion to be filed on or before April 11, 2014, Defendant's opposition to be filed on or before May 16, 2014, and Plaintiffs' reply to be filed on or before June 6, 2014. The further case management conference is CONTINUED to August 1, 2014 at 11:00 a.m.

Dated: January 17, 2014


The Hon. Jeffrey S. White
United States District Judge